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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,472	12/23/2003	James G. Stanley	086142-0599	8015
22428	7590	05/24/2006		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER DUNN, DAVID R	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/743,472	Applicant(s) STANLEY ET AL.	
	Examiner David Dunn	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. 10/604,319.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/23/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant's information disclosure statement of December 23, 2003 is acknowledged.  
See enclosed IDS form.

### ***Drawings***

2. Figures 19, 20, 22(a-c), and 29 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with

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which it is most nearly connected, to make and/or use the invention. The specification does not show how the arm spring “extends from one side to the other side of said shaft bar along the inner side of the square-shaped portion of said shaft bar, is folded there”. Additionally, the specification does not disclose what is meant by the arm spring is “folded” or how to “fold” the arm spring.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the both sides" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitations "the vehicle body" and "the seat belt" in lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

It is also noted that in claim 2, line 4, --in-- should be inserted after “an opening”.

Claims 4 and 5 are indefinite as it is unclear how the arm spring is “folded”.

Claim 6 recites the limitation "the vehicle body" and "the seat belt" in lines 2-3. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-206977.

JP 2002-206977 discloses a seat belt assembly including an anchor connecting member (10; Figure 2), a webbing connecting member (30) connected the seat belt (60), and a sensor mechanism (20) which detects a force acting between these members, the webbing being inserted into a hole provided said webbing connecting member (see Figure 1b), and connected by folding back the same; wherein the portion of the webbing inserted into said hole is folded back from the both sides in the width direction, and the width is reduced by bonding the folded portion with the portion not folded (see page 10 of English translation, paragraph 0021).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-206978 in view of JP 2002-206977.

JP 2002-206978 discloses a seat belt device comprising an anchor connecting member (10), a webbing connecting member (20), a webbing (W) passing through the opening in the webbing connecting member, a sensor mechanism (30) which detects a force acting between the members, wherein the sensor has a shaft bar (32) rotating by relative displacement of the members; said shaft bar has an arm spring (45) rotating therewith; the arm spring applies, together with rotation of the shaft bar, a pressing force to a sensor plate having a strain gauge attached thereto (see English translation, page 15, paragraph 0025 - page 16, paragraph 0026). The arm spring is secured to the shaft bar by a screw (B1; see Figure 5). The arm spring has a free end (45C) folded from the fixed portion (see Figure 5). JP 2002-206978 shows the distance between the point at which the webbing connecting member transmits the force to the sensor and the point at which the belt is connected to the webbing connecting member being shorter than the distance between the point at which the webbing connecting member transmits the force to the sensor and the point at which the anchor connecting member is connected to the vehicle body (see Figure 7). The shaft bar is arranged to be rotatably held by the webbing connecting member (see Figure 2).

JP 2002-206978 fails to show the webbing having a transverse stitching.

JP 2002-206977 teaches a webbing folded and constrained from unfolding by stitching (62) extending in a direction transverse to the longitudinal direction of the webbing (see Figure 1b). JP 2002-206977 also shows the webbing have a second stitching (65) in the folded portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify JP 2002-206978 with the teachings of JP 2002-206977 in order to securely attach the webbing to the webbing connecting member. Regarding claim 9, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to reverse the sensor such that it was held by the webbing connecting member as it has generally been held that the rearrangement of location of parts require only routine skill in the art. In re Japikse, 86 USPQ 70.

*Allowable Subject Matter*

11. Claims 10-15 are allowed.

*Conclusion*

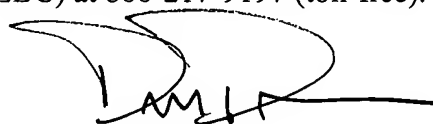
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Husby, Jitsui, and Stojanovski show sensor of interest which were cited in the parent application. Tajmia et al. shows a sensor apparatus of interest. Rogers, Jr. et al. shows a tension sensing assembly. Almaraz et al. shows a tension sensor assembly.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Dunn', with a large, sweeping loop at the end.

David Dunn  
Primary Examiner  
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